

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Eleven

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEARS 2011 AND 2012 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal years 2011 and 2012 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2011, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2011. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items. Notwithstanding any general or special law to the contrary, appropriations made in section 2 shall not revert and shall be available for expenditure until June 30, 2012.

SECTION 2.

JUDICIARY

Trial Court

0330-0300	\$12,000,000
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DISTRICT ATTORNEY

Worcester District Attorney

0340-0400	\$98,066
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Hampden District Attorney

0340-0500	\$252,843
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0340-0501	\$45,000
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Northwestern District Attorney

0340-0600	\$102,909
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Norfolk District Attorney

0340-0700	\$115,203
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0340-0701	\$11,453
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	SECRETARY OF THE COMMONWEALTH	
0521-0000	\$61,501
0521-0012	\$1,113
	TREASURER AND RECEIVER GENERAL	
	Office of the Treasurer and Receiver General	
0612-0105	.....	\$200,000
	MASSACHUSETTS CULTURAL COUNCIL	
0640-0300	.....	\$750,000
	STATE AUDITOR	
	Office of the State Auditor	
0710-0000	.....	\$874,830
	ATTORNEY GENERAL	
	Office of the Attorney General	
0810-0000	.....	\$671,665
	INSPECTOR GENERAL	
	Office of the Inspector General	
0910-0200	.....	\$709,394
	OFFICE OF THE STATE COMPTROLLER	
	Office of the State Comptroller	
1599-3384	.....	\$2,000,000
	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE	
	Office of the Secretary of Administration and Finance	
1599-4227	.....	\$3,813,028
	EXECUTIVE OFFICE OF EDUCATION	
	Department of Early Education and Care	
3000-7050	.....	\$200,000
	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
	Office of the Secretary of Health and Human Services	
4000-0300	.....	\$3,000,000
4000-0500	.....	\$6,000,000
	Department of Transitional Assistance	
4403-2000	.....	\$8,200,000
	Department of Public Health	
4510-0100	.....	\$2,313,560
4516-1000	.....	\$300,000
4512-0103	.....	\$500,000
4580-1000	.....	\$850,000
	Department of Children and Families	
4800-0015	.....	\$1,580,000
4800-1100	.....	\$650,000
	Department of Mental Health	
5046-0000	.....	\$3,000,000
	EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT	

Department of Career Services

7003-0605\$800,000
 7003-0702\$250,000

EXECUTIVE OFFICE OF EDUCATION

Department of Higher Education

7066-0021\$500,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Elder Affairs

9110-1660\$107,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2011. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items. Notwithstanding any general or special law to the contrary, appropriations made in section 2A shall not revert and shall be available for expenditure until June 30, 2012.

DISTRICT ATTORNEY

Berkshire District Attorney

0340-1102 For costs associated with the expansion of the Berkshire district attorney's office and relocation of the state police detective unit\$194,134

OFFICE OF THE STATE COMPTROLLER

Office of the State Comptroller

1599-3393 For a reserve for the Hayes settlement\$5,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance

1599-0029 For a reserve to meet the fiscal year 2012 costs of employee training and other economic benefits authorized by the collective bargaining agreement between the commonwealth and Service Employees International Union, Local 1199; provided, that the secretary of administration and finance may transfer from the sum appropriated in this item to other items of appropriation amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose; and provided further, that funds under this item shall not revert but shall be made available for expenditure until June 30, 2012\$1,000,000

1599-1706	For a reserve for the state share of costs to certain municipalities relating to the June 1, 2011 storms; provided, that the comptroller shall transfer funds made available in this item to municipalities for this purpose upon the written request of the secretary of administration and finance .....\$10,000,000
1599-1707	For a reserve for the state share of costs to certain municipalities and municipal lighting plants as identified by the Federal Emergency Management Agency for Emergency Declaration 3296 relating to the December 2008 severe winter storm, for the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Suffolk and Worcester; provided, that the comptroller shall transfer funds made available in this item to municipalities for this purpose upon the written request of the secretary of administration and finance .....\$6,200,000
1599-1708	For a reserve for the state share of costs to certain municipalities identified by the Federal Emergency Management Agency for Emergency Declaration 1895-DR relating to the March 2010 severe flood, for the counties of Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties; provided, that the comptroller shall transfer funds made available in this item to municipalities for this purpose upon the written request of the secretary of administration and finance .....\$2,783,277
1599-2013	For a reserve for costs associated with the Commonwealth's defense in the case of Connor B., et al v. Patrick, et al, civil action No. 3:10-CV30073; provided, that the secretary may transfer from the sum appropriated in this item to other items of appropriation amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose. ....\$2,500,000
1599-3381	For a reserve to pay attorneys' fees in the lawsuit known as Hutchinson v. Patrick, pending in the United States District Court. ....\$745,000
1599-4204	For a reserve to meet the fiscal year 2011 and 2012 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the State Police Association of Massachusetts .....\$4,509,518

1599-4252	For a reserve to meet the fiscal years 2011 and 2012 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Coalition for Public Safety, Unit 5 .....\$140,000
1599-4343	For a reserve to meet the fiscal years 2011 and 2012 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Suffolk county sheriff's department and the County Correction Officers/AFSCME Local 419 .....\$293,950
1599-4421	For a reserve to meet the fiscal year 2011 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the Massachusetts Teachers Association/National Education Association Associated Massachusetts Community Colleges Council, and to meet the fiscal year 2011 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2011 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that any unexpended funds from this item shall not revert and shall be made available for expenditure until June 30, 2012 .....\$3,422,000
1599-4430	For a reserve to meet the fiscal year 2011 and 2012 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the trial court and the National Association of Government Employees/Service Employees International Union Local 5000 .....\$1,300,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary of Health and Human Services

4000-0114 For the purposes of establishing an executive office of health and human services pilot program that would link increased training to modest pay increases in order to reduce turnover rates; provided, that the executive office of health and human services shall issue regulations for the administration and distribution of such funds and shall submit the regulations to the house and senate committees on ways and means\$1,000,000

4000-0265 For a primary care workforce development grant program at community health centers, for the purpose of enhancing recruitment and retention of primary care physicians and other clinicians at community health centers; provided, the grants shall be administered by a designee selected by the secretary of health and human services, in consultation with the general court, by December 1, 2011; provided, that in awarding such grants priority shall be given to health centers serving medically-underserved areas; provided, further, that the funds may be matched by other public and private funds; and provided, further, that the designee selected by the secretary shall maximize all sources of public and private funds \$1,000,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-0002 For Friends of the Homeless in the city of Springfield to alleviate the increased caseload resulting from the June 1, 2011, storms\$100,000

EXECUTIVE OFFICE OF EDUCATION

Department of Elementary and Secondary Education

7052-0006 For grants and reimbursements to cities, towns, regional school districts and counties under chapter 645 of the acts of 1948 and chapter 70B of the General Laws, for: (a) educational, engineering and architectural services for school districts; (b) surveys made of school building needs and conditions; (c) matching stabilization fund payments; (d) costs of leasing buildings for vocational programs and originally equipping and furnishing those buildings for vocational programs; and (e) payments associated with admission to a regional school district \$19,076

SECTION 2C.I. For the purpose of making available in fiscal year 2012 balances of appropriations which otherwise would revert on June 30, 2011, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2011. However, for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 of the general appropriation act; provided, however, that for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts.

JUDICIARY

Committee for Public Counsel Services

0321-1510	\$7,807,455
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TREASURER AND RECEIVER-GENERAL

Lottery Commission

0640-0000	\$815,000
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SHERIFFS

Essex Sheriff's Department

8910-0619	\$21,578
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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance

1100-1560	.....	\$440,693
1599-0016	.....	\$110,000
1599-4227	.....	\$319,328
1599-4281	.....	\$10,000
1599-4282	.....	\$10,000
1599-4283	.....	\$10,000
1599-4284	.....	\$10,000

Department of Children and Families

4800-0038	.....	\$500,000
4800-0041	.....	\$2,500,000
4800-1100	.....	\$2,000,000

Massachusetts Commission for the Deaf and Hard of Hearing

4125-0100	\$90,000
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EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Secretary of Public Safety and Security

8000-0600	\$6,500
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Department of State Police

8100-1001\$2,700,000

Military Division

8700-0001\$200,000

Parole Board

8950-0001\$500,000

LEGISLATURE

Senate

9500-0000 For the operation of the senate\$490,971

House of Representatives

9600-0000 For the operation of the house of representatives \$1,068,325

Joint Legislative Expenses

9700-0000 For the joint operations of the legislature\$234,807

SECTION 2C.II. For the purpose of making available in fiscal year 2012 balances of retained revenue and intragovernmental chargeback authorizations which otherwise would revert on June 30, 2011, the unexpended balances of the authorizations listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2B of the general appropriation act for fiscal year 2009. However, for items which do not appear in section 2 or 2B of the general appropriation act, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. Amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section 2 or 2B of the general appropriation act; however, for items which do not appear in section 2 or 2B of the general appropriation act, the amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section 2, 2A, or 2B of this act or in prior appropriation acts. The sums re-authorized in this section shall be in addition to any amounts available for those purposes.

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Secretary of Public Safety and Security

8000-0004\$3,000,000

Municipal Police Training Committee

8200-0222\$48,000

SECTION 2E. The sums set forth in this section are hereby appropriated for transfer from the General Fund to the trust funds named within each item unless specifically designated otherwise in this section, for the purposes and subject to the conditions specified in this section and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2011. Items in this section shall not be subject to allotment under section 9B of chapter 29 of the General Laws or reduction under section 9C of

said chapter 29, without express authorization from the general court. Notwithstanding section 19A of said chapter 29, any transfer under this section shall be made by the comptroller in accordance with a transfer schedule to be developed for each item by the comptroller, after consulting with the appropriate agency secretary, the secretary of administration and finance and the state treasurer. The schedule for each appropriation shall provide for transfers in increments considered appropriate to meet the cash flow needs of each fund and all transfers under the schedule shall be completed not later than June 30, 2011. Not later than 7 days after the schedules receive final approval by the comptroller, they shall be reported to the house and senate committees on ways and means. Notwithstanding any general or special law to the contrary, appropriations made in this section shall not revert and shall be available for expenditure until June 30, 2012.

OFFICE OF THE STATE COMPTROLLER

Office of the State Comptroller

1595-6583	For an operating transfer to the Infrastructure Development Fund	\$37,950,000
1595-6585	For an operating transfer to the Low Income Housing Tax Credit Fund	\$9,500,000

EXECUTIVE OFFICE OF EDUCATION

Department of Higher Education

7066-0035	For the support of the Massachusetts Science, Technology, Engineering, and Mathematics Grant Fund, established in section 2MMM of chapter 29 of the General Laws	\$500,000
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SECTION 3. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2012, the sums set forth in section 3 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2012. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

1599-0026	\$50,000
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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Developmental Services

5920-2000	\$5,000,000
5920-3000	\$5,500,000

Department of Youth Services

4200-0300	\$1,600,000
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EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Massachusetts Marketing Partnership

7008-0900\$52,000

EXECUTIVE OFFICE OF EDUCATION

Department of Elementary and Secondary Education

7035-0002\$3,000,000

SECTION 4. Chapter 7A of the General Laws is hereby amended by adding the following section:-

Section 19. (a) As used in this section the following words shall have the following meanings, unless the context clearly requires otherwise:

"Debt", a delinquent state tax or nontax debt certified by the treasurer and receiver general or a federal nontax debt certified by a federal official including, but not limited to, fines, fees, penalties and other nontax assessments imposed by or payable to the commonwealth or federal government that are finally determined to be due and owing.

"Federal official", a unit or official of the federal government charged with the collection of nontax liabilities payable to the federal government and with the authority to enter into the offset agreement.

"Offset agreement", the agreement between the comptroller and the Secretary of the Treasury authorized by this section.

"Person", an individual, vendor, contractor, partnership, society, association, joint stock company, limited liability company, corporation, estate, receiver, trustee, assignee and any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise, or any combination of the foregoing.

"Refund", an overpayment of any tax that is returned or credited to the taxpayer pursuant to sections 30, 31A, 36, 36A, 37 or 39 of chapter 62C, sections 27 or 27A of chapter 65, section 6 of chapter 65A or any other general or special law that authorizes such a return or credit.

"State payments", refunds and any vendor or contractor payments made by the commonwealth to any person, including expense reimbursements to an employee of the commonwealth; provided, however, that "state payments" shall not include salary, wages, pension and any other type, class or amount of payment that the comptroller determines to impact health or welfare benefits of the citizens of the commonwealth.

(b) Notwithstanding any other general or special law to the contrary, the comptroller may enter into an offset agreement with the Secretary of the Treasury to participate in a reciprocal Treasury Offset Program pursuant to 31 U.S.C. section 3716 for the collection of any debts owed to the commonwealth or to state agencies from federal payments to vendors, contractors and taxpayers. The offset agreement may provide for the United States to submit nontax debts owed to federal agencies for offset against state payments otherwise due and owing to taxpayers, vendors and contractors providing goods or services to the commonwealth, its departments, agencies or institutions.

(c) Pursuant to the offset agreement, a federal official may: (1) provide certification to the comptroller the existence of a person's delinquent, nontax debt owed by the person to the federal government by providing: (i) the full name and address of the person and any other names known to be used by the person; (ii) the social security number or federal tax identification number of that person; (iii) the amount of the federal nontax debt; (iv) a statement certifying that the debt is past due, that due process has been provided and that the debt is legally enforceable in the amount certified, which may be provided in procedures for certifying payments in the offset agreement; and (v) any other information pursuant to the agreement; (2) request the comptroller to withhold any state payment to which the person is entitled; and (3) retain a portion of the proceeds of any federal administrative setoff authorized by the federal offset program.

(d) As required or permitted by state law, federal law or the offset agreement, the comptroller shall: (1) determine if a person for whom a certification is received is due a state payment; (2) withhold a state payment that is due a person whose name has been certified by a federal official; (3) notify the person of the amount withheld in satisfaction of a debt certified by a federal official; (4) pay to the federal official the lesser of the entire state payment or the amount certified and pay any refund or state payment in excess of the certified amount to the person less any fee pursuant to subsection (f).

(e) The comptroller may certify to a federal official a person's delinquent debt owed to the commonwealth by providing the federal official: (i) the full name and address of the person and any other names known to be used by the person; (ii) the social security number or federal tax identification number of that person; (iii) the amount of the liability; (iv) a statement certifying that the debt is past due, that due process has been provided and that the debt is legally enforceable in the amount certified, which may be provided in procedures for certifying payments in the offset agreement; and (v) any other information required by state statute or regulation applicable to the collection of the debt by offset of federal payments.

(f) The comptroller may request that the federal official withhold any federal vendor or other federal payment pursuant to the offset agreement to which the person is entitled the entire federal payment or the amount certified and pay any refund or federal payment in excess of the certified amount to the person less any fee pursuant to subsection (g).

(g) The comptroller shall establish a reasonable administrative fee to be charged to the person for the provision of the state offset of a federal debt or the federal offset of a state debt. The fee shall be a separate debt and may be withheld from any refund, reimbursement or other monies held for the person. The comptroller may charge the person who is the subject of

federal offset of a state debt, a fee equal to the fee authorized in this subsection. Any state administrative fees may be retained by the comptroller, without further appropriation, for the costs of the offset program, including reporting, and for costs associated with other revenue generation and cost savings initiatives as determined by the comptroller.

(h) The comptroller may enter into interagency agreements with other state agencies for the purpose of protecting a person's return information pursuant to chapter 62C and regulations promulgated thereunder and collecting debts, fees and penalties due to the commonwealth, its departments, agencies or institutions.

(i) If an individual filed a joint income tax return and the debt certified by a federal official is not the liability of both parties to the joint income tax return, the comptroller may not withhold or pay to the federal official that portion of the income tax refund attributable to the individual not owing the debt. The comptroller and the commissioner of revenue shall adopt procedures notifying parties to a joint income tax return of a proposed offset of a state income tax refund for a debt certified by a federal official and shall allow the parties to such return 60 days to assert in writing that a portion of the income tax refund is attributable to the individual not owing the debt. If no such assertion by a party to the joint return is made within 60 days of notice, all of the income tax refund shall be deemed attributable to the individual owing the debt.

SECTION 5. Subsection (a) of section 2RR of chapter 29 of the General Laws, as amended by section 93 of chapter 3 of the acts of 2011, is hereby further amended by adding the following sentence:- For the purpose of accommodating discrepancies between the receipt of revenues and related expenditures, the director of career services may incur obligations and the comptroller may certify payment amounts not to exceed the most recent revenue estimate submitted by the department and approved by the comptroller; provided, however, that the fund shall be in balance by the close of each fiscal year.

SECTION 6. Section 32 of said chapter 29, as appearing in the 2010 Official Edition, is hereby amended by striking out the first and second sentences and inserting in place thereof the following 2 sentences:- Any check issued by the state treasurer or by any agent or agency of the commonwealth, other than checks issued in payment of obligations of the state board of retirement, the teachers' retirement board and the MassHealth program, which is not presented for payment within 1 year after its issue date, shall be payable only at the office of the state treasurer. Any check issued on behalf of the MassHealth program, which is not presented for payment within 180 days after its issue date, shall be payable only at the office of the state treasurer.

SECTION 7. Section 2 of chapter 30A of the General Laws, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

A small business impact statement shall be filed with the state secretary on the same day that the notice is filed and shall accompany the notice. Notwithstanding section 6, the state secretary shall include the small business impact statement on the electronic website of the state secretary, and the statement may be inspected and copied in the office of the state secretary during business hours.

SECTION 8. Section 3 of said chapter 30A of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

A small business impact statement shall be filed with the state secretary on the same day the notice is filed and shall accompany the notice. Notwithstanding section 6, the state secretary shall include the small business impact statement on the electronic website of the state secretary, and the statement may be inspected and copied in the office of the state secretary during business hours.

SECTION 9. Section 108L of chapter 41 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 to 5, inclusive, the words ", uniformed members of the department of state police appointed under said section ten, state police detectives appointed under section ten of said chapter twenty-two C,".

SECTION 10. The fifth paragraph of said section 108L of said chapter 41, as so appearing, is hereby amended by striking out the third sentence.

SECTION 11. Section 6I of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out, in line 54, the figure "\$10,000,000" and inserting in place thereof the following figure:- \$20,000,000.

SECTION 12. Said section 6I of said chapter 62 is hereby further amended by striking out the figure "\$20,000,000", inserted by section 11, and inserting in place thereof the following figure:- \$10,000,000.

SECTION 13. Section 1 of chapter 62D of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the figure "29", in line 29, the following words:- , or any federal agency as certified by a federal official to the comptroller pursuant to section 19 of chapter 7A.

SECTION 14. Section 13 of said chapter 62D of the General Laws, as so appearing, is hereby amended by inserting after the figure "29", in line 15, the following words:- , or any federal agency as certified by a federal official to the comptroller pursuant to section 19 of chapter 7A.

SECTION 15. Section 31H of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in line 56, the figure

"\$10,000,000" and inserting in place thereof the following figure:-
\$20,000,000.

SECTION 16. Said section 31H of said chapter 63 is hereby further amended by striking out the figure "\$20,000,000", inserted by section 15, and inserting in place thereof the following figure:- \$10,000,000.

SECTION 17. Section 92 of chapter 71 of the General Laws is hereby amended by striking out subsection (r), added by section 74 of chapter 68 of the acts of 2011.

SECTION 18. Section 35 of chapter 123 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

If, after a hearing and based upon competent testimony, which shall include, but not be limited to, medical testimony, the court finds that such person is an alcoholic or substance abuser and there is a likelihood of serious harm as a result of the person's alcoholism or substance abuse, the court may order such person to be committed for a period not to exceed 90 days, followed by the availability of case management services provided by the department of public health for up to 1 year; provided, however, that a review of the necessity of the commitment shall take place by the superintendent on days 30, 45, 60 and 75 as long as the commitment continues. A person so committed may be released prior to the expiration of the period of commitment upon written determination by the superintendent that release of that person will not result in a likelihood of serious harm. Such commitment shall be for the purpose of inpatient care in public or private facilities approved by the department of public health under chapter 111B for the care and treatment of alcoholism or substance abuse. The person may be committed to the Massachusetts correctional institution at Bridgewater, if a male, or at Framingham, if a female, if there are not suitable facilities available under said chapter 111B; provided, however, that the person so committed shall be housed and treated separately from convicted criminals. Such person shall, upon release, be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for such purpose. The department of mental health, in conjunction with the department of public health, shall maintain a roster of public and private facilities available, together with the number of beds currently available, for the care and treatment of alcoholism or substance abuse and shall make the roster available to the district courts on a monthly basis.

SECTION 19. Section 1 of chapter 176J of the General Laws, as so appearing, is hereby amended by striking out the definition of "Eligible individual" and inserting in place thereof the following definition:-

"Eligible individual", an individual who is a resident of the commonwealth and who is not seeking individual coverage to replace an employment-based health plan for which the individual or individual's

dependent is eligible, which provides coverage that is at least actuarially equivalent to minimum creditable coverage; provided, however, that any person enrolled in an individual health benefit plan before September 30, 2010 shall be considered an eligible individual so long as such person continues to be a resident of the commonwealth and maintains enrollment in an individual health benefit plan.

SECTION 20. The first paragraph of subsection (d) of section 6 of chapter 176J of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The commissioner may apply waivers to the presumptive disapproval process requirements under this section to carriers who receive 80 per cent or more of their incomes from government programs and who were first admitted to do business by the division of insurance on January 1, 1988, as health maintenance organizations under chapter 176G.

SECTION 21. The last paragraph of subsection (a) of section 11 of said chapter 176J, as so appearing, is hereby amended by adding the following sentence:- The commissioner may apply waivers to the 12 per cent requirement under this section to carriers who receive 80 per cent or more of their incomes from government programs and who were first admitted to do business by the division of insurance on January 1, 1988, as health maintenance organizations under chapter 176G.

SECTION 21A. Said last paragraph of said subsection (a) of said section 11 of said chapter 176J, as appearing in section 103 of chapter 359 of the acts of 2010, is hereby amended by adding the following sentence:- The commissioner may apply waivers to the 12 per cent requirement under this section to carriers who receive 80 per cent or more of their incomes from government programs and who were first admitted to do business by the division of insurance on January 1, 1988, as health maintenance organizations under chapter 176G.

SECTION 22. Subsection (c) of section 2A of chapter 211D of the General Laws, as appearing in section 112 of chapter 68 of the acts of 2011, is hereby amended by adding the following paragraph:-

Upon request of the department of children and families, the commissioner of probation shall provide to the department a copy of a person's indigency intake form, final assessment of financial circumstances, and any report certifying that the person either continues to meet or no longer meets the definition of indigency prepared by the chief probation officer in accordance with this section. The department shall only use these forms, assessments and reports for the purpose of completing eligibility determinations under Title IV-E of the Social Security Act. The commissioner of probation and the commissioner of children and families shall jointly determine the process by which the department of children and families shall obtain and maintain these forms, assessments and reports. The department of children and families shall

not disseminate, and shall prohibit dissemination of, such information for any purpose other than those set forth in this paragraph.

NO SECTION 23.

SECTION 24. Chapter 192 of the acts of 2007 is hereby amended by striking out sections 5 to 11, inclusive, and inserting in place thereof the following 4 sections:-

Section 5. As used in this section and sections 5 to 8, inclusive, the following words shall have the following meanings unless the context clearly requires otherwise:

"Corps", the commonwealth corps established in section 6.

"Corps members", individuals who commit to service in the commonwealth corps pursuant to this act.

"Corps projects", programs established pursuant to this act to satisfy unmet community needs.

"Corps sponsors", nonprofit and public entities that participate in corps projects.

"MSA", the Massachusetts Service Alliance, a nonprofit organization which administers the corps.

"Unmet community needs", needs including, but not limited to, those pertaining to education, public health, public safety, the environment and other human needs in underserved populations and areas.

Section 6. (a) Subject to the receipt of adequate funding by the commonwealth or other sources, there shall be a commonwealth corps.

(b) The commonwealth corps shall consist of corps members who shall commit to not more than 12 months of full-time, part-time or flex-time service to the commonwealth to address unmet community needs.

(c) Corps members shall be residents of the commonwealth who are at least 18 years of age. Members shall be the responsibility of the corps sponsors with support from the MSA. Corps members shall undertake meaningful service projects addressing unmet community needs in areas including, but not limited to, the environment, education, health and basic human services; provided, however, that members having direct contact with minor children or vulnerable adults shall be required to pass a background check.

(d) The MSA and the corps sponsors shall, to the extent practicable, ensure that corps members are placed with corps projects that match their interests, geographic constraints, skills and abilities. Corps sponsors may enroll individuals who choose to defer stipends to serve as corps members. Corps sponsors shall seek to enroll individuals who are economically, geographically, ethnically, socially, physically or educationally diverse.

(e) A corps member shall not be subject to chapter 31 or section 9A of chapter 30. Corps members shall not be employees of the commonwealth entitled to the benefit of chapter 152 of the General Laws or for any other purpose.

Section 7. (a) The MSA shall administer the commonwealth corps and in so doing shall: (1) provide the personnel necessary to carry out the purposes of sections 5 to 8, inclusive; (2) recruit corps sponsors; (3) coordinate among agencies of the commonwealth and other organizations using community service and volunteerism as a strategy to assist in the solution of local, regional and statewide problems; (4) initiate studies and analyses of proposed and implemented service and volunteer projects, which will aid in solving local, regional and statewide problems; (5) recommend expansion of corps opportunities to address all community needs, such as education, environment, public safety, public health and employment and training; (6) encourage the corporate community of the commonwealth to become an active partner in the support, advocacy and promotion of community service and volunteer opportunities in the commonwealth; (7) develop a grant application and selection process using the criteria set forth in subsection (b) for non-profit organizations and public entities, including schools and educational institutions, seeking to participate in the corps; (8) review grant applications from nonprofit organizations and public entities, including schools and educational institutions, and select grant awardees; (9) establish criteria and procedures for recruiting residents of the commonwealth who are 18 years or older to serve as corps members; (10) establish procedures for matching and placing corps members with corps projects; (11) establish personnel policies and procedures for corps members; (12) determine the appropriate financial match support levels by private businesses, community groups, foundations, public agencies and individuals; (13) assist corps sponsors in the development of scholarships and matching funds from private businesses, community groups, foundations, public agencies and individuals in order to support a portion of a corps member's stipend and benefits; and (14) monitor corps members and corps sponsors for compliance with state and federal laws and funding agreements.

(b) The MSA shall give preference to projects meeting the following criteria: (1) projects addressing a well-established unmet community need; (2) projects articulating measurable goals, including an assessment of the impact on the corps members and on the targeted community; (3) projects providing services to communities and organizations throughout the commonwealth; (4) projects not using corps members to replace previously budgeted positions or to reduce overtime, hours of work or opportunities for advancement for employees or members of corps sponsors; and (5) projects falling within any of the following categories: (i) direct service projects that give corps members opportunities to provide direct services addressing unmet community needs including, but not limited to, tutoring or mentoring, providing health care education, providing services to the homeless, enhancing historic, cultural, and natural resources of the commonwealth, enhancing environmental restoration or enhancing emergency preparedness and response; or (ii) volunteer-generating

projects that give corps members the opportunity to recruit, train and support volunteers to participate in civic projects and to meet unmet community needs.

Section 8. The MSA shall file with the governor, on or before January 1 and on or before July 1 of each year, a report, which shall include but not be limited to the following: (1) a financial statement summarizing its expenditures and available funds; (2) the number of projects and proposed placements submitted to it; (3) the number of volunteers assigned to corps sponsors; (4) the number of hours served by corps members; (5) the number of beneficiaries served by corps projects; (6) a description of corps projects and a summary of the work completed; (7) a measure of outputs and outcomes; and (8) information on other pertinent service data as may be determined by the governor.

SECTION 25. Section 2 of chapter 131 of the acts of 2010 is hereby amended by striking out the item number "0340-0101" and inserting in place thereof the following item number:- 0340-0198.

SECTION 26. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0340-0201" and inserting in place thereof the following item number:- 0340-0298.

SECTION 27. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0340-0301" and inserting in place thereof the following item number:- 0340-0398.

SECTION 28. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0340-0401" and inserting in place thereof the following item number:- 0340-0498.

SECTION 29. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0340-0501" and inserting in place thereof the following item number:- 0340-0598.

SECTION 30. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0340-0601" and inserting in place thereof the following item number:- 0340-0698.

SECTION 31. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0340-0701" and inserting in place thereof the following item number:- 0340-0798.

SECTION 32. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0340-0801" and inserting in place thereof the following item number:- 0340-0898.

SECTION 33. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0340-0901" and inserting in place thereof the following item number:- 0340-0998.

SECTION 34. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0340-1001" and inserting in place thereof the following item number:- 0340-1098.

SECTION 35. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0340-1101" and inserting in place thereof the following item number:- 0340-1198.

SECTION 36. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0699-0016" and inserting in place thereof the following item number:- 0699-0014.

SECTION 37. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0699-2004" and inserting in place thereof the following item number:- 0699-2005.

SECTION 38. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "0810-0007" and inserting in place thereof the following item number:- 0810-0098.

SECTION 39. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "8000-0000" and inserting in place thereof the following item number:- 8000-0600.

SECTION 40. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "8100-0000" and inserting in place thereof the following item number:- 8100-1001.

SECTION 41. Said section 2 of said chapter 131 is hereby further amended by striking out the item number "8100-0011" and inserting in place thereof the following item number:- 8100-0018.

SECTION 42. Item 8910-8310 of said section 2 of said chapter 131 is hereby amended by striking out the figure "\$8,460,000", inserted by section 39B of chapter 9 of the acts of 2011, wherever it appears, and inserting in place thereof in each instance the following figure:- \$9,955,000.

SECTION 43. Section 34 of chapter 409 of the acts of 2010 is hereby amended by striking out the figure "2011" and inserting in place thereof the following figure:- 2012.

SECTION 44. Section 2 of chapter 68 of the acts of 2011 is hereby amended by striking out the item number "0340-0101" and inserting in place thereof the following item number:- 0340-0198.

SECTION 45. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0340-0201" and inserting in place thereof the following item number:- 0340-0298.

SECTION 46. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0340-0301" and inserting in place thereof the following item number:- 0340-0398.

SECTION 47. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0340-0401" and inserting in place thereof the following item number:- 0340-0498.

SECTION 48. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0340-0501" and inserting in place thereof the following item number:- 0340-0598.

SECTION 49. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0340-0601" and inserting in place thereof the following item number:- 0340-0698.

SECTION 50. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0340-0701" and inserting in place thereof the following item number:- 0340-0798.

SECTION 51. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0340-0801" and inserting in place thereof the following item number:- 0340-0898.

SECTION 52. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0340-0901" and inserting in place thereof the following item number:- 0340-0998.

SECTION 53. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0340-1001" and inserting in place thereof the following item number:- 0340-1098.

SECTION 54. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0340-1101" and inserting in place thereof the following item number:- 0340-1198.

SECTION 55. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0699-0016" and inserting in place thereof the following item number:- 0699-0014.

SECTION 56. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0699-2004" and inserting in place thereof the following item number:- 0699-2005.

SECTION 57. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "0810-0007" and inserting in place thereof the following item number:- 0810-0098.

SECTION 58. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "8000-0000" and inserting in place thereof the following item number:- 8000-0600.

SECTION 59. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "8100-0000" and inserting in place thereof the following item number:- 8100-1001.

SECTION 60. Said section 2 of said chapter 68 is hereby further amended by striking out the item number "8100-0011" and inserting in place thereof the following item number:- 8100-0018.

SECTION 61. Item 0330-0300 of said section 2 of said chapter 68 is hereby amended by striking out the words "the chief justice for administration and management shall submit a report to the joint committee on the judiciary and the house and senate committees on ways and means 90 days prior to the temporary closure or temporary relocation of courthouses; provided further, that said report shall include, but not be limited to, the transfer of personnel, the reallocation of resources, the impact on other courthouses

resulting from the temporary closure of said court and other factors that may affect implementation of said temporary closure;" and inserting in place thereof the following words:- no courthouse shall be closed or relocated, no session within a courthouse shall be closed and no proposed courthouse or session closure by the chief justice for administration and management of the trial court shall take effect until such closure or relocation is approved by the court administrator; provided, however, that prior to any such closure or relocation the court administrator appointed pursuant to chapter 211B of the General Laws shall file with the joint committee on the judiciary, the house and senate committees on ways and means and the clerks of the senate and house of representatives 90 days prior to the closure or relocation of courthouses or sessions a plan to close certain courthouses or certain sessions which shall include the specific reason for any such closure or relocation, the costs savings, a plan to provide services to citizens affected by such closure, the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of any such court or session and other factors that may affect implementation of any such closure; and provided further, that nothing in this item shall be construed to prevent the closure of any court in order to relocate that court to the J. Michael Ruane Judicial Center in the city of Salem.

SECTION 62. Item 0332-0100 of said section 2 of said chapter 68 is hereby amended by striking out the words "\$33,750,000 may be expended from fees charged and collected pursuant to section 3 of chapter 90C of the General Laws, section 22 of chapter 218 of the General Laws, sections 2, 4A, 4B, 4C, 39 and 40 of chapter 262 of the General Laws and section 87A of chapter 276 of the General Laws; provided further, that the first \$34,350,000" and inserting in place thereof the following words:- \$30,750,000 may be expended from fees charged and collected pursuant to section 3 of chapter 90C of the General Laws, section 22 of chapter 218 of the General Laws, sections 2, 4A, 4B, 4C, 39 and 40 of chapter 262 of the General Laws and section 87A of chapter 276 of the General Laws; provided further, that the first \$26,350,000.

SECTION 63. Item 0333-0002 of said section 2 of said chapter 68 is hereby amended by striking out the figure "\$7,000,000" and inserting in place thereof the following figure:- \$9,000,000.

SECTION 64. Item 0334-0001 of said section 2 of said chapter 68 is hereby amended by striking out the figure "\$1,100,000" and inserting in place thereof the following figure:- \$2,100,000.

SECTION 65. Item 0337-0002 of said section 2 of said chapter 68 is hereby amended by striking out the words "and provided further, that in fiscal year 2012 the department shall proportionately reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700, and 0337-0900 of section 2 of chapter 182 of the acts of 2008" and inserting in place thereof the following words:- provided further, that the

department shall expend funds for the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700 and 0337-0900 of section 2 of chapter 182 of the acts of 2008; and provided further, that the department may reduce funding to each item by not more than 5 per cent.

SECTION 66. Item 0640-0010 of said section 2 of said chapter 68 is hereby amended by inserting after the word "provided" the following words:- , that not more than \$200,000 may be expended for programs that promote the treatment of compulsive gambling; provided further.

SECTION 67. Item 1599-0026 of said section 2 of said chapter 68 of the acts of 2011 is hereby amended by striking out the words "\$4,000,000 shall be transferred to the division of local services and shall be expended for a multi-year competitive grants program to provide financial support for one-time or transition costs related to regionalization and other efficiency initiatives, with allowable applicants to include municipalities, regional schools, school districts considering forming a regional school district or regionalizing services, regional planning agencies and councils of governments; provided further, that regional planning agencies may also serves as the administrative or fiscal agent on behalf of municipalities" and inserting in place thereof the following words:- \$4,050,000 shall be transferred to the division of local services and shall be expended for a multi-year competitive grants program to provide financial support for 1-time or transition costs related to regionalization and other efficiency initiatives, with allowable applicants to include municipalities, regional schools, school districts considering forming a regional school district or regionalizing services, regional planning agencies and councils of governments; provided further, that regional planning agencies may also serve as the administrative or fiscal agent on behalf of municipalities; provided further, that funds may be expended to reimburse municipalities for tuition and transportation costs under section 7C of chapter 74 of the General Laws; provided further, that any reimbursements for tuition under the preceding proviso shall be in addition to allowable federal grants used to cover reimbursement costs and approved by the department of elementary and secondary education for expenditure in fiscal year 2012.

SECTION 68. Item 1750-0102 of said section 2 of said chapter 68 is hereby amended by striking out the figure "\$2,056,966" and inserting in place thereof, in each instance, the following figure:- \$2,700,000.

SECTION 69. Item 3000-7050 of said section 2 of said chapter 68 is hereby amended by inserting after the words "individualized education plans" the following words:- ; provided further, that \$200,000 shall be expended for the purpose of developing and implementing a kindergarten readiness assessment system that shall use evidence-based formative assessment tools to measure the developmental status, age-appropriate progress and school readiness of each child in kindergarten including those with high needs, inform classroom

teaching practices, and identify key areas for intervention; provided further, that the kindergarten readiness assessment system shall be aligned with the commonwealth's learning standards and curriculum guidelines; and provided further, that the kindergarten readiness assessment system shall be a component of the commonwealth's early learning and development assessment system that measures children's growth across all developmental domains from prekindergarten entry through second grade as part of the statewide longitudinal data system.

SECTION 70. Item 4000-0300 of said section 2 of said chapter 68 is hereby amended by adding the following words:- ; and provided further, that funds may be expended for the purposes of implementing the federal Systematic Alien Verification for Entitlements, or SAVE, system; and, provided further, that MassHealth shall make no changes to reimbursement for nursing home leave of absence days from the standards in effect on July 1, 2011.

SECTION 71. Said section 2 of said chapter 68 is hereby further amended by striking out item 4100-0059.

SECTION 72. Item 4100-0060 of said section 2 of said chapter 68 is hereby amended by striking out the words "between July 1, 2011 and December 31, 2011".

SECTION 73. Said item 4100-0060 of said section 2 of said chapter 68 is hereby further amended by striking out the words "one-half", each time it appears.

SECTION 74. Said item 4100-0060 of said section 2 of said chapter 68 is hereby further amended by striking out the words "may consult with hospitals regarding such transition" and inserting in place thereof the following words:- shall consult with the Massachusetts Hospital Association, Inc. and hospitals regarding such transition; provided further, that prior to the implementation of the transition, the division and the executive office shall: (1) perform parallel and round-trip claims processing tests with hospitals to ensure that the MMIS system performs effectively compared to the existing health and safety net claims adjudication system; and (2) report on the detailed results of those claims processing tests to the house and senate committees on ways and means.

SECTION 75. Said item 4100-0060 of said section 2 of said chapter 68 is hereby further amended by striking out the figure "\$10,578,754" and inserting in place thereof the following figure:- \$21,157,507.

SECTION 76. Item 7066-0025 of said section 2 of said chapter 68 is hereby amended by adding the following words:- ; and provided further, that funds from this item may be expended through August 31, 2012.

SECTION 77. Said section 2 of said chapter 68 is hereby further amended by striking out item 8100-0011 and inserting in place thereof the following item:-

8100-0011 For the department of state police, which may expend an amount not to exceed \$4,100,000 for certain police activities provided pursuant to agreements authorized in this item; provided, that for fiscal year 2012, the colonel of state police may enter into service agreements with the commanding officer or other person in charge of a military reservation of the United States located in the Massachusetts Development Finance Agency, established in chapter 23G of the General Laws; provided further, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (a) provisions governing payment to the department for the cost of regular salaries, overtime, retirement, and other employee benefits; and (b) provisions governing payment to the department for the cost of furnishings and equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that the colonel may enter into service agreements as may be necessary to enhance the protection of persons, assets and infrastructure within the commonwealth from possible external threat or activity; provided further, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (a) provisions governing payment to the department for the cost of regular salaries, overtime, retirement and other employee benefits; and (b) provisions governing payment to the department for the cost of training and equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of the services authorized in this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary to provide the agreed level of services; provided further, that the colonel may expend from this item costs associated with joint federal and

state law enforcement activities from federal reimbursements received therefor; and provided further, that notwithstanding any general or special law to the contrary, for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system\$4,100,000

SECTION 78. Said section 2 of said chapter 68 is hereby further amended by striking out item 8100-0515 and inserting in place thereof the following item:-

8100-0515 For trainee salary, salary-related and medical expenses, including mental and medical health screening, and for the operating and clerical costs associated with the Massachusetts State Police Academy for hiring and training state police recruits to maintain the strength of the department of state police\$2,000,000

SECTION 79. Item 8900-0010 of said section 2 of said chapter 68 is hereby amended by striking out the words "amounts collected" and inserting in place thereof the following words:- to the comptroller the amounts to be transferred from the Commonwealth Transportation Fund to the department of correction revenue source 9000.

SECTION 80. Section 2B of said chapter 68 is hereby amended by striking out item 1750-0105 and inserting in place thereof the following item:-

1750-0105 For the cost of workers' compensation paid to public employees; provided, that the secretary of administration and finance shall charge other items or state agencies for costs incurred on behalf of these state agencies; provided further, that the secretary may transfer workers' compensation-related fringe benefit assessments from federal grants and trust accounts to this item; provided further, that no funds shall be expended from this item that would cause the item to be deficient; provided further, that the secretary shall provide projected costs of workers compensation costs incurred by agencies in fiscal year 2012 to the house and senate committees on ways and means no later than March 2, 2012; provided further, that in accordance with chapter 177 of the acts of 2001, the secretary of administration and finance shall charge state agencies in fiscal year 2012 as provided in this item for

workers' compensation costs, including related administrative expenses incurred on behalf of the employees of the agencies; provided further, that administrative expenses shall be allocated; provided further, that the personnel administrator shall administer the charges on behalf of the secretary and may establish such rules and procedures as deemed necessary to implement this item; provided further, that the personnel administrator shall: (1) notify agencies regarding the chargeback methodology to be used in fiscal year 2012; (2) notify agencies of the amount of their estimated workers compensation charges for the fiscal year; and (3) require agencies to encumber funds in an amount sufficient to meet the estimated charges; provided further, that the estimated charges for each agency in the fiscal year shall be not less than the amount of the actual workers' compensation costs, including related administrative expenses, incurred by each such agency in fiscal year 2012 and may include such additional amounts as the human resources division finds necessary under regulations adopted under this item; provided further, that the division may adopt a program of incentives for agencies to reduce agencies' claims; provided further, that for any agency that fails within 30 days of the effective date of this act to encumber funds sufficient to meet the estimated charges, the comptroller shall so encumber funds on behalf of that agency; provided further, that the personnel administrator shall: (1) determine the amount of the actual workers' compensation costs incurred by each agency in the preceding month, including related administrative expenses; (2) notify each agency of the amounts; and (3) charge the amounts to each agency's accounts as estimates of the costs to be incurred in the current month; provided further, that notwithstanding any general or special law to the contrary, any balance remaining in the Intergovernmental Service Fund, at the close of fiscal year 2012 shall be transferred to the General Fund; provided further, that any unspent balance at the close of fiscal year 2011 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental Service Fund and is hereby re-authorized for expenditures for this item in fiscal year

2012; provided further, that the personnel administrator may expend in fiscal year 2012 for hospital, physician, benefit, and other costs related to workers' compensation for employees of state agencies, including administrative expenses; and provided further, that such expenditures may include payments for medical services provided to claimants in prior fiscal years, as well as compensation benefits and associated costs for prior fiscal years\$57,040,378

SECTION 81. Section 190 of said chapter 68 is hereby amended by striking out the words "secretary of education, or a designee thereof" and inserting in place thereof the following words:- secretary of education, who shall serve as chair.

SECTION 82. Section 198 of said chapter 68 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Notwithstanding any general or special law to the contrary, 50 per cent of the unexpended and unencumbered balances of appropriations on June 30, 2011, or \$65,000,000, whichever is less, shall be distributed to cities and towns in proportion to the amount by which each municipality's Unrestricted General Government Aid in fiscal year 2011 exceeds such aid in fiscal year 2012.

SECTION 83. The executive office of health and human services shall provide to each beneficiary age 65 and over a 1-time notice of options available for enrollment in voluntary programs, including the Program of All Inclusive Care for the Elderly plans, MassHealth Senior Care Options, Frail Elder Home and Community Based Services Waiver program and any other voluntary elected benefit to which the beneficiary is entitled to supplement or replace such beneficiary's MassHealth benefits. The executive office shall include in the notice the names and contact information for the program providers, general contact information for the division and a general description of the benefits of joining particular programs. The notice shall be written in clear and simple language and shall include instructions for requesting a copy of such notice in a language other than English. The notice shall include a method for the beneficiary to request from the executive office additional information on any program described in the notice. Before the content and format of the annual notice is finalized, the executive office shall forward the proposed draft for review and comment to the program providers. The executive office shall work with the program providers and other appropriate stakeholders to assess whether, and to what extent, barriers to program enrollment shall be alleviated through modifications to the program or the enrollment process.

SECTION 84. Notwithstanding any general or special law to the contrary, at the request of the committee for public counsel services and with the written approval of the secretary of administration and finance, the

comptroller shall allow the transfer of funds at any time from item 0321-1510 to item 0321-1520 for the purpose of reducing any deficiency in said item 0321-1520. All such transfers, in aggregate, shall not exceed \$3,200,000 and shall be effective for fiscal year 2011.

SECTION 85. Notwithstanding any general or special law to the contrary, any unexpended funding made available under item 7003-0701 of section 2 of chapter 131 of the acts of 2010 shall not revert, but shall remain available for expenditure from the Workforce Training Trust Fund, established in section 2RR of chapter 29 of the General Laws.

SECTION 86. Notwithstanding any general or special law to the contrary, the budget director in the executive office of administration and finance may waive up to \$86,000 in costs that would otherwise be collected by the state comptroller from the Massachusetts developmental disabilities council under sections 5D and 6B of chapter 29 of the General Laws. The waiver shall be in writing and the budget director shall provide copies to the house and senate committees on ways and means. The waiver shall be solely for the purpose of state match funding for federal grant awards received from the National Association of Councils on Developmental Disabilities. The waiver shall be effective until June 30, 2012.

SECTION 87. There shall be established and set up on the books of the commonwealth a State Low Income Housing Tax Credit Fund. The commissioner of revenue shall serve as the fund's trustee. Funds made available for this fund shall only be used for offsetting General Fund costs associated with the state low income housing tax credit claimed annually by eligible taxpayers. By June 30 of each fiscal year during which this fund is effective, the commissioner shall determine the projected costs to the state of the state low income housing tax credit within the fiscal year and request that the comptroller transfer funding from the fund to the General Fund in an amount not to exceed the projected costs, but no such transfer shall be processed without the written approval of the secretary of administration and finance. The aggregate amount of transferred funds for all fiscal years during which the fund is effective shall not exceed \$9,500,000. The fund shall remain in effect until June 30, 2014.

SECTION 88. There shall be established and set up on the books of the commonwealth an Infrastructure Development Fund. The secretary of housing and economic development shall serve as the fund's trustee. The fund shall be established to create jobs and stimulate economic development through infrastructure-related investments made by the secretary of housing and economic development in consultation with the secretary of transportation. The fund may be used for shovel-ready infrastructure projects including, but not limited to, transit and highway projects, business expansion and redevelopment use and other related projects found by the secretary of housing and economic development to create economic opportunity and jobs both directly

and indirectly. All projects listed herein shall be under contract within 90 days of the effective date of this act and shall commence construction in the spring of 2012. Funds may be used by the secretary of housing and economic development to support matching funds for certain capital expenditures which are sponsored by higher educational institutions for scientific or technology research and development. No funds shall be expended from this fund, including any spending by the secretary of housing and economic development for the oversight of the fund, without the written approval of the secretary of administration and finance. This fund shall remain in effect until June 30, 2013.

Projects that are eligible under this fund shall include: up to \$5,000,000 for infrastructure supporting downtown redevelopment in the city of Quincy; up to \$1,250,000 for Main street streetscape improvements in the town of Bourne; up to \$3,000,000 for infrastructure to support the redevelopment of the Dever School in the city of Taunton; up to \$2,000,000 for the Acushnet Avenue International Marketplace in the city of New Bedford; up to \$1,200,000 for the reconstruction of Dicks brook culvert and downtown streetscape improvements in the town of Barre; up to \$2,500,000 for rehabilitation of a downtown parking structure in the city of Pittsfield; up to \$1,300,000 for downtown revitalization and streetscape improvements in the town of Randolph; up to \$1,000,000 for Everett avenue reconstruction in the city of Chelsea; up to \$2,500,000 for downtown revitalization and sewer improvements in the town of Easton; up to \$2,200,000 for construction of a public way from United States highway route 202 to Campus road providing additional access to Holyoke Community College in the city of Holyoke; up to \$1,250,000 for road and infrastructure improvements to support downtown revitalization in the town of Amesbury; up to \$1,550,000 for Commerce way improvements in the town of Plymouth; up to \$2,000,000 for infrastructure improvements to support redevelopment of Greylock Glen in the town of Adams; up to \$1,000,000 for the restoration of rail crossings in the towns of Hopedale and Milford; up to \$2,000,000 for the United States highway route 1 water main relocation in the town of Saugus; up to \$1,200,000 for the Merrimack street parking facility, rail trail and streetscape improvements in the city of Haverhill; up to \$1,200,000 for South End streetscape improvements in the city of Springfield; up to \$1,500,000 for public infrastructure improvements at Northwest Park in the town of Burlington; up to \$500,000 for the Ingleside park revitalization in the town of Winthrop; up to \$500,000 for a senior center in the town of Rockland; up to \$1,800,000 for further renovation of the Houghton's pond park and athletic fields in the town of Milton; and up to \$1,500,000 for downtown streetscape improvements in the city of Brockton.

SECTION 89. The special commission established in section 160 of chapter 131 of the acts of 2010 is hereby revived and continued. The commission shall file its report with the clerks of the house of representatives and the senate

and the house and senate committees on ways and means not later than December 30, 2011. The report shall include recommendations for improving services for people with acquired or traumatic brain injuries, the cost of maintaining or establishing those services and drafts of legislation necessary to implement those recommendations or to allow for the development or expansion of services for the target population.

SECTION 90. The special commission established in section 181 of chapter 240 of the acts of 2010 is hereby revived and continued. The commission shall complete a written report detailing any factors to be considered in the index and any financial measures that would be necessary for implementation to the governor, the clerks of the senate and house of representatives, the joint committee on tourism, arts and cultural development and the joint committee on education not later than June 30, 2012.

SECTION 91. The special commission established in chapter 2 of the resolves of 2010 is hereby revived and continued. The commission shall report to the general court the results of its investigation and study and its recommendation, if any, by filing the same with the clerks of the senate and house of representatives not later than January 31, 2012.

SECTION 92. Notwithstanding any general or special law to the contrary, prior to calculating the consolidated net surplus for the fiscal year ending June 30, 2011, the comptroller shall transfer \$350,000,000 to the Commonwealth Stabilization Fund, established in section 2H of chapter 29 of the General Laws, from the undesignated balance in the operating funds.

SECTION 93. Notwithstanding any general or special law to the contrary, in fiscal year 2012 the department of elementary and secondary education shall assess on a sending school district school choice tuition amounts for any unpaid fiscal year 2011 innovation school tuition amount.

SECTION 94. There shall be established and set up on the books of the commonwealth a Substance Abuse Services Fund. The commissioner of public health shall serve as the fund's trustee. Funds in the fund shall be used to expand inpatient treatment facilities and ongoing case management for individuals civilly committed under section 35 of chapter 123 of the General Laws. Upon the submission of a spending plan for this fund to the secretary of administration and finance, the house and senate committees on ways and means and the clerks of the house and the senate, the comptroller shall transfer \$10,000,000 from the General Fund to the Substance Abuse Services Fund. In developing the spending plan, the commissioner shall hold at least 1 public hearing and shall consult with the commissioner of mental health, the chief justice for administration and management or the administrator of the trial court, as the case may be, a representative of the Massachusetts Medical Society, a representative of the Massachusetts Organization for Addiction Recovery and a representative of the Association for Behavioral Healthcare. The commissioner shall submit a draft spending plan to the house and senate

committee on ways and means 45 days prior to the submission of the final plan. This fund shall be in effect until June 30, 2013.

SECTION 95. Notwithstanding any general or special law to the contrary, if as of January 15, 2012, tax revenues as estimated under section 5B of chapter 29 of the General Laws meet or exceed \$20,615,000,000, there shall be established and set up on the books of the commonwealth a Human Service Salary Reserve Fund. Upon the establishment of this fund, the comptroller shall transfer \$10,000,000 from the General Fund to the Human Service Salary Reserve Fund and such transferred funds under this section shall be used to provide 1-time salary bonuses to personnel earning less than \$40,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs.

SECTION 96. Notwithstanding any general or special law to the contrary, the department of public health shall produce a report relative to deaths caused by the mosquito-borne eastern equine encephalitis virus hereinafter referred to as EEEV. The report shall include, but not be limited to, the following information: (i) the procedures undertaken by the department in the months preceding September 1, 2011, to evaluate any threats to the public health caused by EEEV; (ii) the risk of transmission of EEEV to humans; and (iii) the factors weighed by the department when issuing a certification of public health hazard to initiate aerial application of mosquito control spray in Norfolk, Bristol and Plymouth counties. The department of public health shall consult with the state reclamation and mosquito control board, the department of agricultural resources, the department of conservation and recreation and the department of environmental protection in producing this report. The department of public health shall report its findings by filing the same with the clerks of the senate and the house of representatives, the senate and house chairs of the joint committee on public health and the senate and house chairs of the joint committee on environment, natural resources and agriculture not later than 60 days after the effective date of this act.

SECTION 97. Notwithstanding any general or special law to the contrary, there shall be a special commission to study and report on the use of electronic benefit transfer, or EBT, cards. The commission shall consist of the commissioner of transitional assistance, or a designee; the inspector general, or a designee; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; and 2 members of the senate, 1 of whom shall be appointed by the minority leader. The scope of the commission shall include, but not be limited to, researching and evaluating the following: the use of EBT cards for the purchase of products other than those products for which they are intended to be used, such as firearms, tobacco, lottery tickets and alcohol; the frequency and location of out-of-state card

use; the in-state stores where cards are used; the proportion of one month's EBT cash assistance that is withdrawn from ATM machines rather than used in stores to directly purchase products; and the costs associated with requiring the department to include, on the front of each newly issued, re-issued and existing EBT cards, a photograph of the cardholder. The commission shall research, assess and develop recommendations regarding the best method of preventing the inappropriate use of EBT cards, including implementing a monthly limit to the amount of EBT cash assistance that a recipient of cash assistance can withdraw from ATMs and the feasibility of prohibiting the purchase of certain items by restricting the ability of EBT cards to be used in purchasing those items. The commission shall also study and research the implementation of requiring stores to apply to accept EBT cards. The commission shall submit a final report of its findings and recommendations, together with drafts of legislation necessary to implement those recommendations, by filing the same with the clerks of the senate and house not later than April 1, 2012.

NO SECTION 98.

SECTION 99. Sections 11 and 15 shall take effect on January 1, 2013.

SECTION 100. Sections 12 and 16 shall take effect on January 1, 2015.

SECTION 101. Section 18 shall take effect on July 1, 2012.

SECTION 102. Section 21A shall take effect on January 1, 2012.

House of Representatives, October 17, 2011.

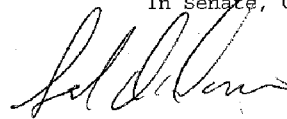
Preamble adopted,



, Speaker.

In Senate, October 17, 2011.

Preamble adopted,



, President.

House of Representatives, October 17, 2011.

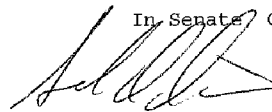
Bill passed to be enacted,



, Speaker.

In Senate, October 17, 2011.

Bill passed to be enacted,



, President.

I disapprove, in Section 2, item 4000-0500.

Under Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I return for amendment Sections 8 and 97.

The remainder of this bill I approve.

Approved, October 27, 2011

at 1 o'clock and 50 minutes, P.M.

